(5)

P.R. No. 516/07
Process Fee Rs. 250/-
dated 22-5-07

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ Petition No. 505 /2001

PETITIONER : Yaad Ram Patel
S/o Shri Jasairam Patel,
aged about 48 years,
Working as Sarpanch,
Gram Panchayat Badekharwani,
Tehsil-Saranggarh,
District-Raigarh(C'garh).

- Versus -

RESPONDENTS : 1. State of Chhattisgarh
Through the Sectretary,
Department of Panchayat
Mantralaya, D.K.Building
Raipur(C'garh).

2. Collector,
District-Raigarh.

3. Sub Divisional Officer-cum-
Prescribed Authority,
Saranggarh
District-Raigarh.

4. Chief Executive Officer,
Janpad Panchayat Saranggarh,
Saranggarh Distt. Raigarh.

5. Shri Hari Shankar Patel,
Vice-President, Janpad
Panchayat Saranggarh
Saranggarh, Distt. Raigarh.

6. Shri Shivlal Patel,
Ex-representative of
M.L.A., Saranggarh
Tehsil-Saranggarh
District-Raigarh.

RECEIVED COPY.
9.7.2007
TO A.G. BILASPUR

(6)

7. Shri D.R.Dewangan,
Sub-Engineer, R.E.S.
Saranggarh Distt. Raigarh.

8. Shri Murit Ram
S/o Shri Sukhnath Gaund,
R/o Village- Badekharwani
Tehsil- Saranggarh
Distt- Raigarh.

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDER OR DIRECTION TO DO JUSTICE.

XI-HC-22

(F2)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. no. 505/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19/4/2001 **Heard Mr. H.S. Patel, learned counsel for the petitioner & Mr. Ranvir Singh, learned G.A. for the respondents nos. 1, 2 and 3.** **The impugned order was issued on 23/3/2001 by the Sub-Divisional Officer by which the writ petitioner has been removed as Sarpench after some enquiry was made. A preliminary objection has been taken on behalf of the State on the ground that the impugned order is appellable before the Collector and in fact if further aggrieved still there is another forum by way of revision before the Commissioner.** **Learned counsel for the petitioner submits that though such forum is there, the impugned order being in gross vidation of principles of natural justice, this Court might examine by invoking extraordinary jurisdiction under Article 226 of the Constitution of India.** **The point that has been taken in the writ petition is that one charge which was not included while enquiry was made, has been sought to be included while issuing the impugned order. This, according to the learned counsel, is in gross violation of principles of natural justice.**	

[पीछे देखिये

आदेश पत्रक (चुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In my view the fact that the impugned order has included charge that was not brought to the notice of the writ petitioner at the time of enquiry can also be examined by the Appellate Authority.

In view of the fact that the required forum (Appellate as well as Revisional) has been provided under relevant rule, I am not inclined to entertain this petition under Article 226 of the Constitution of India. However, the petitioner is still free to take legal proceedings as provided under the law. In other words, the petitioner should approach the Appellate Authority. If the petitioner prefers an appeal within 15 days from today, delay if any shall stand condoned and the matter shall be examined by the appellate Authrity on merits.

Certified copy today.

Sd/-
Chief Justice

rsnr

GRPRJ—FS/311—1/2001—50,000.